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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

5 TERRY L. LAVERY, JR.,

6 Plaintiff,

7 v.

8 M. KRONA, and EDWARD HANSMEYER,

9 Defendants.  
10  
11

CASE NO. C09-5196 FDB

ORDER DISMISSING  
COMPLAINT

12 The Magistrate Judge recommends that this civil rights complaint be dismissed as failing  
13 to state a cognizable claim. Plaintiff has not taken the opportunity provided by the Court to cure  
14 the deficiencies of his complaint.

15 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of  
16 Magistrate Judge J. Richard Creatura, and the remaining record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;  
18 (2) Plaintiff's Complaint is dismissed as frivolous pursuant to 28 U.S.C. § 1915;  
19 (3) Plaintiff's claims and causes of action are dismissed, and;  
20 (4) The Clerk is directed to send copies of this Order to the parties.  
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22 DATED this 5<sup>th</sup> day of October, 2009.  
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26 FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE